

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

Case No. 1:20-cv-908-RP

v.

DAVID CARTU, JONATHAN CARTU,
JOSHUA CARTU, RYAN MASTEN,
LEEAV PERETZ, NATI PERETZ, ALL
OUT MARKETING LIMITED, BAREIT
MEDIA LLC D/B/A SIGNALPUSH, BLUE
MOON INVESTMENTS LTD., AND
ORLANDO UNION INC.,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANT
ALL OUT MARKETING LIMITED**

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Commodity Futures Trading Commission notices the voluntary dismissal, without prejudice, of its claims against Defendant All Out Marketing Limited (“All Out Marketing”). Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss a party without a court order by filing a “notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”¹ All Out Marketing has not filed an answer, motion to dismiss, or motion for summary judgment in this action.

¹ Although some Courts of Appeals interpret Rule 41(a) to permit only dismissal of entire actions, not individual defendants, the Fifth Circuit has not adopted this interpretation. *See Williams v. Seidenbach*, 958 F.3d 341, 344–45 (5th Cir. 2020) (“[O]ur circuit precedents interpret ‘action’ to cover individual defendants—thus allowing plaintiffs . . . to use Rule 41(a) to dismiss individual defendants.”).

Dated: January 3, 2022

Respectfully submitted,

/s Benjamin E. Sedrish

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system.

/s Benjamin E. Sedrish